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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,960	12/11/2001	Harold Aaron Ludtke	SONY 3.0-022	6316

530 7590 06/13/2005

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
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WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,960

Applicant(s)

LUDTKE ET AL.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-27, 32-55 and 59-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-27, 32-49, 55 and 59-76 is/are allowed.
- 6) ☒ Claim(s) 50 and 77 is/are rejected.
- 7) ☒ Claim(s) 51-54 and 78-81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/28/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### Status

Claims 5-27, 32-55 and 59-81 remain pending.

### *Response to Arguments*

The applicant's arguments entered on March 3, 2005 have been fully considered. The examiner submits that the indicated allowability of rewritten claims 50 and 77 has been withdrawn in view of Lee et al. (US Patent No 6,003,014).

See following rejection

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher, (US Patent 6,076,075) in view of Lee et al. (US Patent No 6,003,014).

Teicher ('075) discloses a storage medium containing a software program capable of causing a remote communications device to execute actions in conducting a transaction between a user of the remote communications device and a second party, the actions comprising:  
creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted;(Column 21, lines 30-39 [pay unit performs cache transactions ...] )  
storing the deferred transaction data structure in a memory;(Column 21, lines 15-29;  
Figure 12 [the electronic cache stores transactions for later processing ])  
establishing communication between the remote communications device and the second party;(Column 8, lines 55-65)  
transmitting the deferred transaction data structure to the second party when the communication between the remote communications device and the second party is established. (Column 22, lines 24-30 [.. settlement transaction made through communication between a payment unit and a processing center of a financial institution])

Teicher ('075) does not explicitly disclose creating a transaction data structure based on input from the user that defines the transaction. Lee et al. ('014) discloses creating a transaction data structure based on input from the user that defines the transaction (Figure 5) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Teicher's

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method with Lee et al's teaching of creating a data structure that stores a transaction in order to allow the consumer to have a receipt of the transaction.

Teicher ('075) does not explicitly disclose establishing a digital certificate and associating the digital certificate with the transaction data structure, the digital certificate identifying the transaction as being authorized; and associating the digital certificate with the deferred transaction data structure when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted. Lee et al. ('014) discloses establishing a digital certificate and associating the digital certificate with the transaction data structure, the digital certificate identifying the transaction as being authorized; and associating the digital certificate with the deferred transaction data structure when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted (Column 10 ,lines 20-65 [ Demonstrates usage of digital certificate to validate transaction ]) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Teicher's method with Lee et al's teaching of creating a data structure that stores a transaction in order to allow the merchant to validate the consumers identity.

Claim 77 is in parallel with claim 50 and is rejected for at least the same reasons.

#### *Allowable Subject Matter*

Claims 5-27, 32-49, 55 and 59-76 are allowable over the prior art record.

Claims 51-54 and 78-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

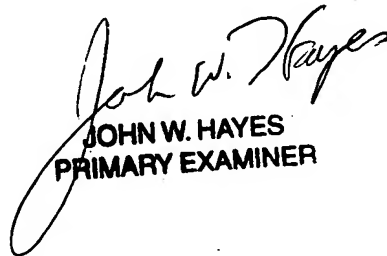
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or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]  
(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW  
May 29, 2005

  
JOHN W. HAYES  
PRIMARY EXAMINER